

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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**UNITED STATES,**

**Plaintiff,**

**v.**

**CR. No. 98-716 JP**

**ROBERT ANTHONY GOMEZ,**

**Defendant.**

**MEMORANDUM OPINION AND ORDER**

In an Order entered November 17, 1998, I granted Defendant's motion for an examination to determine his mental competency to stand trial. Upon reviewing the psychologist's report that resulted from that examination, I have concluded that it is necessary to conduct a hearing on Defendant's competency.

The period of delay that results from the resolution of the issue of Defendant's competency is excluded in computing the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(A) and 3161(h)(1)(F).

IT IS THEREFORE ORDERED that a hearing on the issue of Defendant's competency to stand trial is set for February 16, 1999 at 1:30 p.m.

  
**UNITED STATES DISTRICT JUDGE**